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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,130	07/15/2003	Jean-Claude Dufourd	1241-03	7856

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IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP
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EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,130

Applicant(s)

DUFOURD ET AL.

Examiner

Frantz Coby

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-17-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is in response to application filed July 15, 2003 in which claims 1-14 are presented for examination.

Status of Claims

Claims 1-14 are pending of which, claims 1 and 14 are independent claims.

Specification

The abstract of the disclosure is objected to because it consists simply of the form and legal phraseology used in the claims, such as "comprising", and because the abstract does not describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details since it is a complete repetition of the claims language. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-5, 9, 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-4 recite the limitation "the nature" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the target fields" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the form in lines 1-2 and "the decoding sequence" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the composition device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In particular, claims 7-9 and 14 are currently believe to be non-statutory because the aforementioned claims disclose a signal, which is a form of energy. That therefore, does not produce a practical application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Haskell et al. Publication No U.S. 2004/0054965 A1.

As per claim 1, Haskell et al. disclose "a method for managing interactions between at least one peripheral command device and at least one multimedia application exploiting the standard MPEG-4" by providing systems and methods for playing, browsing and interactive with MPEG-4 coded audio-visual objects (See Haskell et al. Title and Abstract, Figures 2, 6-7 and corresponding text, especially, Pages 3-4, paragraph 0035, 00442-0044). In particular, Haskell et al. disclose the claimed limitations of "said peripheral command device delivering digital signals as a function of actions of one or more users" as user provided control signals (See Haskell et al. Page 2, paragraph 0037). Also, Haskell et al. disclose the claimed feature of "constructing a digital sequence having the form of a BIFS node (Binary Form for Scenes in accordance with the standard MPEG-4)" through See Haskell et al. Figure 2, component 240. Further, Haskell et al. disclose the claimed limitations of "said node comprising at least one field defining a type and a number of interaction data to be applied to objects of a scene" by providing packages that contain classes for each field type defined in VRML (See Haskell et al. Page 8, paragraphs 0094 and 0100).

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above.

In addition, Haskell et al. disclose the claimed limitation of "wherein the digital sequence uses a decoding sequence of MPEG-4 systems to introduce the interaction data into the peripheral command device" as a BIFS decoder (See Haskell et al. Figure 2, components 230-240; Page 3, paragraph 0037).

As per claims 3-4, most of the limitations of these claims have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Haskell et al. disclose the claimed limitations of "designating the nature of an action or actions to apply on one or more objects of the scene by an intermediary of one or more fields of the node"; "designating the nature of an action or actions to apply on one or more objects of the scene by an intermediary of one or more fields of the node" (Figure 9, Page 4, paragraph 0048).

As per claims 5-6, most of the limitations of these claims have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Haskell et al. disclose the claimed limitation of "wherein the BIF'S node comprises a number of variable fields dependent on the type of peripheral command device, and transfer of the interaction data of fields of the node to the target fields is implemented by means of routes"; "wherein the BIFS node comprises a number of variable fields dependent on the type of peripheral command device, and transfer of the interaction data of fields of the node to the target fields is implemented by means of routes" (See Haskell et al. Page 8, paragraphs 0094 and 0100).

As per claims 7-8, most of the limitations of these claims have been noted in the rejection of claims 1-2. Applicant's attention is directed to the rejection of claims 1-2 above. In addition, Haskell et al. disclose the claimed limitation of "signalizing activity of the device"

As per claims 9-14, all of the limitations of these claims have been noted in the rejection of claims 1-8. Applicant's attention is directed to the rejection of claims 1-8 above. Thus, claims 9-14 are rejected as set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 571 272 4017. The examiner can normally be reached on Monday-Friday 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


FRANTZ COBY
PRIMARY EXAMINER

July 22, 2006